

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated September 19, 2008. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1, 3, 5-10, 21-28, 30 and 31 were objected to because of minor informalities. Claims 1, 3 and 30 have been amended as recommended by the Examiner to overcome these objections. No new matter has been added.

Claims 1, 3, 5-10, 12, 21-28, 30 and 31 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, 3, 5, 7, 12 and 30 have been amended to overcome these rejections. No new matter has been added.

Claims 1, 3, 5-10, 12, 21, 23, 24, 30 and 31 were rejected under 35 U.S.C. 102(b) as being anticipated by Katoh (US 6,669,243). The applicant respectfully disagrees.

Regarding claim 1: Anticipation under Section 102 requires that a prior art reference disclose every claim element of the claimed invention. *E.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). The absence

of any element of the claim from the cited reference negates anticipation. *E.g., Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).

Applicant respectfully submits that the applied document, *i.e.*, the filter cartridge of Katoh, does not meet this standard of anticipation. More specifically, Katoh fails to disclose the vehicle door, the door handle having a gripping part including a groove, and the gripping part comprising at each of its ends a guide element cooperating with the handle support to allow the gripping part to move in translation relative to the rear frame of the door when actuated by the user.

First, those skilled in the art would not interpret the front wall FW of the glove box body B of Katoh as the vehicle door. Moreover, the word “door” is defined by the American Heritage Dictionary (Second College Edition), as “a. A movable structure used to close off an entrance, typically consisting of a panel that swings on hinges or that slides or rotates. B. A similar part on a piece of furniture or a vehicle.” In fact, as clearly disclosed by Katoh, the front wall FW is integral part of the glove box body B that does not move relative the glove box body B, thus cannot be interpreted as a door. For that particular reason Katoh defined it as the front wall FW of the glove box body B, not as the door.

Second, the Examiner erroneously interpreted the space behind the operating handle 3 of Katoh as a groove. While recognizing that the pending claims must be given their broadest reasonable interpretation consistent with the specification, we trust that that the broadest

reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach, as stated in MPEP § 2111. We believe that the Examiner's position is erroneous, because the word "groove" is defined by the Webster's Revised Unabridged Dictionary, as "a furrow, channel, or long hollow, such as may be formed by cutting, molding, grinding, the wearing force of flowing water, or constant travel; a depressed way; a worn path; a rut." Clearly, the space behind the operating handle 3 would not possibly be interpreted as a groove in the handle by those skilled in the art.

Third, the word "translation" is defined by the American Heritage Dictionary (Second College Edition), as "*Physics*. Motion of a body in which every point of the body moves parallel to and the same distance as every other point of the body; nonrotational displacement." Contrary to the present invention, the operating handle 3 of Katoh is pivottally supported by means of a rotatable connecting bar 7 (see col. 5, lines 7-11), and is not movable in translation relative to the rear frame of the door when actuated by the user, as recited in claim 1.

Fourth, the Examiner failed to indicate which element of Katoh is interpreted as a frame of the door.

Accordingly, the rejection of claims 1, 5-10 and 31 under 35 U.S.C. 102(b) as being anticipated by Katoh is improper.

Regarding claim 5: In addition to the arguments presented above regarding the patentability of claim 1, Katoh fails to disclose the gripping part that moves in translation when actuated by the user. As clearly disclosed by Katoh, the operating handle 3 moves pivotally when actuated by the user. Accordingly, the rejection of claim 5 under 35 U.S.C. 102(b) as being anticipated by Katoh is improper.

Regarding claims 6 and 7: In addition to the arguments presented above regarding the patentability of claim 1, Katoh fails to disclose guide elements each located at one end of the gripping element, which can slide along a rail of the support (4), allowing the gripping part to move in translation when it is actuated by the user. Accordingly, the rejection of claims 6 and 7 under 35 U.S.C. 102(b) as being anticipated by Katoh is improper.

Regarding claim 31: In addition to the arguments presented above regarding the patentability of claim 1, Katoh fails to disclose a protective element independent of the gripping part, which prevents dust or rain from entering the handle. The Examiner alleges that “portion at 1 above the handle (as shown on the face of the Patent)” can be interpreted as the protective element of claim 31. Contrary to the Examiner’s allegation, the reference numeral 1 marks a through bore in which an operating handle 3 is inserted from a front wall FW and is pivotally supported (see col. 5, lines 4-11). Accordingly, the rejection of claim 31 under 35 U.S.C. 102(b) as being anticipated by Katoh is improper.

Regarding claims 3 and 30: Applicant respectfully submits that the applied document, *i.e.*, the filter cartridge of Katoh, does not meet this standard of anticipation. More specifically, Katoh fails to disclose the vehicle door, and the door handle having a gripping part including a groove, as argued above regarding the patentability of claim 1. Moreover, Katoh fails to disclose a panel located in the same plane as an external surface of the rear frame (20) at a certain distance from the handle (1) so that the panel conceals the handle from the outside, and the transmission means (6, 7, 9 to 13) arranged in a lower zone of the gripping part of the handle.

First, the Examiner alleges that the term “exterior” is not well defined with respect to other claimed elements. Applicant respectfully disagrees. Claims 3 and 30 recites the word “outside”, not “exterior”. Those skilled in the art would readily realize the meaning of the word “outside” as the space without or beyond an enclosure; the outer side; the region that is outside of the door, etc. However, in order to expedite the prosecution of the present application, claims 3 and 30 have been amended to specify that the panel conceals said handle from the outside of the vehicle. The support for this amendment could be further found on page 7, lines 15-17 of the specification. No new matter has been added.

Part 8 of Katoh, interpreted by the examiner as the panel concealing the handle from the outside, is described by Katoh as a housing integrally fixed to an inner side of the front wall FW to encompass the rotatable connecting bar 7 and the right and left latches 5, 5 connected thereto for free movements of these components (see col. 5, lines 22-26). Clearly,

those skilled in the art would not interpret the housing 8 of Katoh as a panel (defined by the Dictionary.com as “a distinct portion, section, or division of a wall, wainscot, ceiling, door, shutter, fence, etc., esp. of any surface sunk below or raised above the general level or enclosed by a frame or border “). Moreover, the housing 8 of Katoh is fixed to an inner side of the front wall FW 9 (see Fig. 1), thus cannot possibly conceal the operating handle 3 from the outside of the vehicle.

Second, as clearly shown in Fig. 1 of Katoh, the rotatable connecting member 7 is arranged in a higher zone of the gripping part of the operating handle 3, not lower zone thereof as recited in claim 3.

Third, Katoh fails to disclose the panel located in the same plane as an external surface of the rear frame (20) at a certain distance from the handle (1). As clearly described by Katoh, the operating handle 3 is pivotally supported by means of a rotatable connecting bar 7 (col. 5, lines 7-11). At the same time, the housing 8 is integrally fixed to an inner side of the front wall FW to encompass the rotatable connecting bar 7 (col. 5, lines 22-24). Clearly, those skilled in the art would realize that the housing 8 of Katoh cannot be interpreted as located at a certain distance from the handle 3 as the housing 8 receives at least the engaging elements 4 of the operating handle 3 therewithin (see Figs. 1-4 of Katoh).

Accordingly, the rejection of claims 3, 21-24 and 30 under 35 U.S.C. 102(b) as being anticipated by Katoh is improper.

Appl. No. 10/530,890
In re VILLAGRASA et al.
Reply to Office Action of Sep. 19, 2008

It is respectfully submitted that claims 1, 3, 5-10, 21-24, 30 and 31 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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